

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00040

**Johnifer Ray Mumphrey,**  
*Plaintiff,*

v.

**Brendan W. Guy,**  
*Defendant.*

**ORDER**

Plaintiff Johnifer Ray Mumphrey, a prisoner within the Texas prison system proceeding pro se and *in forma pauperis*, filed this lawsuit seeking injunctive relief against defendant Brendan W. Guy pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love.

On April 19, 2022, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed with prejudice for plaintiff's failure to state a claim upon which relief may be granted. Doc. 14. The magistrate judge determined that plaintiff failed to state a claim against defendant because he failed to show that he is entitled to any type of injunction and that any amendment would be futile.

Plaintiff did not object to the report. Instead, he filed a motion to amend his complaint. Doc. 16. But he failed to attach a proposed amended complaint to his motion—as required by this court's Local Rule CV-7(k)—and merely asserted that defendant, whom plaintiff identifies as an assistant district attorney, “is the one who continue[s] to deny him an opportunity to contest the records and show facts the [p]laintiff is entitle[d] to a live evidentiary hearing to present facts and show why he is illegally detained.” *Id.*

Plaintiff's motion to amend his complaint does not cure the deficiencies of his lawsuit identified by the magistrate judge. Namely, plaintiff failed to demonstrate that he is entitled to the

extraordinary remedy of a permanent or preliminary injunction. Similarly, plaintiff's subsequent notice and attachments (Doc. 17) do not show that he is entitled to an injunction; rather, plaintiff's filings demonstrate that he is challenging his state criminal conviction.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's lawsuit is dismissed with prejudice for the failure to state a claim upon which relief may be granted. All motions pending in this civil action are denied.

*So ordered by the court on August 25, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge